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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 ) CV \_\_\_\_\_ AHM( )  
12 )  
13 ) ORDER RE: PROTECTIVE ORDERS  
14 ) AND TREATMENT OF  
15 ) CONFIDENTIAL INFORMATION  
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Plaintiff(s),  
v.  
Defendant(s).

19 Please read and comply with Fed. R. Civ. P. 26(c). Make sure you show “good  
20 cause.” See also *Foltz v. State Farm Mutual Automobile Ins. Co.*, 33, F.3d 1122 (9th  
21 Cir. 2003). The Court has adopted the following additional guidelines for protective  
22 orders, whether stipulated or not:

23 **I. Guidelines for Protective Order Provisions.**

24 **A. Clear and Precise.** A protective order must be sufficiently precise and  
25 clear, so that:

- 26 1. All parties and other persons who are bound by the order know  
27 precisely what they are required to do, permitted to do, and  
28 forbidden from doing.

- 1           2.     In the event that any party seeks to have another party who  
2                 supposedly violated the order held in contempt, it is necessary that  
3                 the order contain no ambiguity concerning the parties' rights and  
4                 responsibilities.

5       **B.     Narrowly Tailored.** A protective order must be narrowly tailored and  
6                 cannot be overbroad. Therefore,

- 7           1.     The documents, information, items or materials that are subject to  
8                 the protective order shall be described in a meaningful fashion.  
9                 (For example, "blueprints," "customer lists," or "market surveys,"  
10                etc.) It is not sufficient to use only the conclusory term "trade  
11                secrets."  
12          2.     In proposing or agreeing to the protection of "trade secrets," the  
13                 definition for that term in California Civil Code § 3426.1 should be  
14                 incorporated into the protective order, either by reference or by  
15                 quotation.<sup>1</sup>

16       **C.     Burden of Proof.** The party designating information, documents,  
17                 materials or items as confidential bears the burden of establishing the confidentiality.

18       **D.     Procedures for Filing Confidential Information with the Court.**  
19                 One cannot file a document under seal automatically; moreover, under seal filings  
20                 must comply with Local Rule 79-5. All Court orders will be presumptively available  
21                 to the public. Therefore, if a protective order provides that evidence may be filed  
22                 under seal and if a party does file such evidence under seal, all papers that refer to or  
23                 rely upon such evidence shall designate the particular aspects that are confidential.  
24                 This will enable the Court, in drafting orders, to determine whether there is evidence

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26                 <sup>1</sup> Cal. Civil Code § 3426.1 provides that trade secret "means information, including a formula,  
27                 pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic  
28                 value, actual or potential, from not being generally known to the public or to other persons who can obtain  
                  economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the  
                  circumstances to maintain its secrecy."

1 which the Court should attempt not to disclose. Absent such advance notification, the  
2 Court will be free to incorporate all such evidence in its written and oral rulings.

3 **E. Use of Confidential Information at Trial.** In the event that the case  
4 proceeds to trial, all of the information that was designated as confidential and/or kept  
5 and maintained pursuant to the terms of a protective order becomes public and will be  
6 presumptively available to all members of the public, including the press, unless  
7 sufficient cause is shown in advance of trial to proceed otherwise.

8 **F. Disputes.** Do not incorporate procedures for resolving disputes that  
9 conflict with Local Rule 37 or other Local Rules.

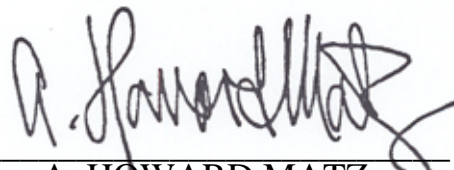
10 **II. Procedure for Obtaining Protective Order.**

11 **A. Stipulated Protective Orders.** Any proposed stipulated protective order  
12 submitted to the Court shall reflect the guidelines set forth in this order. If  
13 satisfactory, the Court will sign the proposed protective order and cause it to be filed.  
14 If not satisfactory, the Court will return it to counsel, with reference to the provisions  
15 that have to be added or changed. Thereafter, any revised proposed stipulated  
16 protective order shall contain such modifications.

17 **B. Motions for a Protective Order.** In the event that the parties are unable  
18 to agree upon the terms of a protective order, the procedure for obtaining such an  
19 order is that set forth in Local Rule 37-1 through 37-4, concerning discovery motions.  
20 In civil cases, the motion will be addressed to and resolved by the magistrate judge.  
21 The party initiating the motion shall ensure that this order is attached to the joint  
22 stipulation. When filing the motion, the party seeking the protective order shall lodge  
23 with the court *in camera* copies of the evidence for which it seeks a protective order.

24 The Court thanks counsel for their anticipated cooperation and compliance with  
25 this order.

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27 Dated: April 22, 2008

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A. HOWARD MATZ  
United States District Judge